IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 827 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

HAJI ABDULSALAM ABDULREHMAN DADI

Appearance:

MR SAMIR DAVE, APP for Petitioner

MR YM THAKKAR for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/11/2000

ORAL JUDGEMENT

#. In this petition, the State of Gujarat has challenged the order dated 27th July 1997 passed by the learned Addl. Sessions Judge in Criminal Revision Application No.108 of 1996 under which he has confirmed the order

passed by the Sub Divisional Magistrate, Godhra, dated 7.9.1996 in Nuisance Case No.4 of 1994 decided on 7.9.96.

#. Though in the index it has been mentioned that these two orders have been filed on the record of the special criminal application, these orders have not been filed. Unless the order is filed, I fail to see how this court can quash and set aside the same. The learned counsel for the petitioner states that a copy of this order is there in Special Criminal Application No.862 of 1999. Even if it is correct, as it is a separate petition filed by petitioner against this order and prayer is made for quashing and setting aside the same in this application, a copy of the same has to be filed in this petition also. Only on this ground, this petition is dismissed. Rule discharged. Interim relief, if any, earlier granted stands vacated. No order as to costs. However, liberty is granted to the petitioner to file a fresh petition.

.....

(sunil)